

REMARKS / ARGUMENTS

Claims 1-4, 9-11, 14, and 15 have been amended, and Claims 1-20 are pending. Applicant has carefully considered the application in view of the Examiner's action and, in light of the foregoing amendments and the following remarks, respectfully requests reconsideration and full allowance of all pending claims.

Claims 1-4, 9-11, 14, and 15 have been amended to correct minor informalities or minor typographical errors, and/or to more particularly point out that which Applicant regards as his invention, without adding any new matter to the application as originally filed.

Claims 1, 5-9, 14-16, and 18-20 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication No. 2004/0224678 to Dahod et al. (hereinafter "*Dahod*"). Claims 2-4 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Dahod* in view U.S. Patent No. 5,109,525 to Nichols (hereinafter "*Nichols*"). Claims 10-13 and 17 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Dahod* in view U.S. Patent Application Publication No. 2002/0132635 to Girard et al. (hereinafter "*Girard*"). In response, Applicant has amended independent Claims 1 and 15 such that they now more clearly distinguish, and are patentable, over the cited references.

Specifically, independent Claims 1 and 15 have been amended to more particularly point out and distinctly claim distinguishing characteristics of the subject matter which Applicant regards as his invention. To that end, Claim 1 has been amended to recite (1) that the voice data buffer forms a portion of the mobile station, and (2) a user display adapted to display on said user display indication of push-to-talk operation of the mobile station and a status of the communication session connection pursuant to the push-to-talk operation of the mobile station.

Support for claiming that the voice data buffer forms a portion of the mobile station is found, for example, in Figure 1, wherein the buffer 54 is shown to form a portion of the apparatus 48 of the mobile station 12, and further on page 9, lines 15-16. Support for claiming a user display is found, for example, by Figures 1-5 and on page 11, lines 18-21, of the specification as originally filed. The cited lines (page 11, lines 18-21) state that "Figure 3 illustrates an exemplary display 86 displayed upon the user display 62 (shown in Figure 1) upon initiation of the push-to-talk operation of the mobile station. An indication 88 is displayed to indicate the push-to-talk operation of the mobile station and the status of the call connection."

Independent method Claim 15 has been amended in an analogous manner to recite the operation of displaying at a user display of the mobile station indication of push-to-talk operation of the mobile station and a status of the communication connection pursuant to the push-to-talk operation of the mobile station, and is similarly supported. Claim 15 has also been amended to recite an operation corresponding to the recitation in Claim 1 that the voice data buffer forms a portion of the mobile station. More specifically, Claim 15 has been amended to recite buffering voice data generated during a selected period beginning immediately subsequent to the actuation of the session initiation actuator. Support for this amendment may be found, for example, at page 5, lines 1-6, page 9, lines 8-10, and page 13, lines 13-15.

These distinguishing characteristics provide Applicant's invention with numerous advantages not seen in the cited references. For example, they eliminate any latency period though which a user of a mobile station must wait before speaking after initiating a push-to-talk session, and once a push-to-talk session has been initiated, a user is apprised of the status of the session. It accomplishes the significant advantage of eliminating the latency period by storing voice data in a buffer in the mobile station until a channel is opened.

Dahod has been cited as fully disclosing Applicant's invention as recited in Claims 1 and 15. *Dahod*, however, fails to either teach or suggest a voice data buffer that forms a portion of the mobile station, buffering voice data generated during a selected period beginning immediately subsequent to the actuation of the session initiation actuator, or a user display, as now recited in Claims 1 and/or 15. In contrast to Applicant's claimed invention, *Dahod* teaches storing voice data in an Internet media gateway (IMG 110, paragraphs 0027, 0028, 0037, 0043) which is not formed in the mobile station (see, e.g., Fig. 1), and only reduces, but does not eliminate, the latency period (see, e.g., Fig. 2 and paragraphs 39 and 0040).

While *Nichols* has not been cited with respect to Claims 1 or 15, it is noted that *Nichols* fails to cure this deficiency of *Dahod*. While *Nichols* arguably teaches storing voice data in memory in a two-way radio (as opposed to a cellular mobile station), if such were combined with *Dahod*, the IMG of *Dahod* would be rendered useless. Inasmuch as the IMG provides a storage capability which allows multiple users in half-duplex communication to communicate asynchronously (paragraph 0037), the intended functionality of *Dahod* would be destroyed. It

would, therefore, not only be non-obvious to combine *Nichols* with *Dahod*, but would also be improper.

While *Girard* has not been cited with respect to Claims 1 or 15, it is noted that *Girard* also fails to cure this deficiency of *Dahod*. While *Girard* arguably teaches a display, in contrast to Applicant's invention, it teaches a display of alias records and communication modes (paragraph 0019), but fails to teach displaying the status of the communication connection pursuant to the push-to-talk operation of the mobile station.

In view of the foregoing, it is apparent that none of the cited references, either singularly or in any combination, teach, suggest, or render obvious the unique combination now recited in independent Claims 1 and 15. It is therefore respectfully submitted that Claims 1 and 15 clearly and precisely distinguish over the cited references in a patentable sense, and are therefore allowable over those references and the remaining references of record. Accordingly, it is respectfully requested that the rejection of Claims 1 and 15 under 35 U.S.C. § 102(e) as being anticipated by *Dahod* be withdrawn.

It is noted that dependent Claim 9 has also been amended to recite that a subsequent portion of the communication session beyond the selected portion forms a full duplex communication session. Support for this amendment may be found, for example, at page 4, lines 14-19, and page 9, line 27, to page 10, line 13, of the specification as originally filed, thereby adding no new matter to the application.

Claims 2-14 and 16-20 depend from and further limit independent Claims 1 and 15, in a patentable sense, and, for this reason and the reasons set forth above, are also deemed to be in condition for allowance. Accordingly, it is respectfully requested that the rejections of dependent Claims 2-14 and 16-20 be withdrawn, as well.

Applicant does not believe any fees are due in connection with the filing of this paper; however, in the event that any fees are due, the Commissioner is hereby authorized to charge any required fees due (other than issue fees), and to credit any overpayment made, in connection with the filing of this paper, to Deposit Account No. 50-2032 of Scheef & Stone, L.L.P.

Applicant has now made an earnest attempt to place this application in condition for allowance. Therefore, Applicant respectfully requests, for the reasons set forth herein and for

other reasons clearly apparent, full allowance of Claims 1-20 so that the application may be passed to issue.

Should the Examiner have any questions or desire clarification of any sort, or deem that any further amendment is desirable to place this application in condition for allowance, the Examiner is invited to telephone the undersigned at the number listed below.

Respectfully submitted,

SCHEEF & STONE, L.L.P.

/jds/

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